

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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UNITALIS ATTORNETYS AT LAW

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43 *bis*.1)

Date of mailing

(day/month/year) 17 AUG 2006 (17.08.2006)

Applicant's or agent's file reference

OP06057

FOR FURTHER ACTION

see paragraph 2 below

International application No.

PCT/CN2006/000884

International filing date (day/month/year)

30.Apr. 2006(30.04.2006)

Priority date (day/month/year)

19.May 2005(19.05.2005)

International Patent Classification (IPC) or both national classification and IPC

See Supplemental Box

Applicant

HUAWEI TECHNOLOGIES CO.,LTD. et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CN

The State Intellectual Property Office, the
P.R.China 6 Xitucheng Rd., Jimen Bridge,
Haidian District, Beijing, China 100088
Facsimile No. 86-10-62019451

Date of completion of this opinion

29.Jul. 2006(29.07.2006)

Authorized officer

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2006/000884

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed
☐ filed together with the international application in electronic form
☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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PCT/CN2006/000884

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims	<u>2-7,9-14,16</u>	YES
	Claims	<u>1,8,15</u>	NO
Inventive step (IS)	Claims	<u>2-7,9-14,16</u>	YES
	Claims	<u>1,8,15</u>	NO
Industrial applicability (IA)	Claims	<u>1-16</u>	YES
	Claims	<u>None</u>	NO

2. Citations and explanations

The invention relates to a method for reporting terminal information, and a method for maintaining terminal device, and a device management system. The following documents cited in this report are considered to be the closest prior art.

D1:CN1595881A;
D2:CN1567843A;
D3:CN1568052;
D4: US2004120265A1;
D5:JP2004145715A;
D6:JP2004086719A.

Novelty

1. The subject-matter of claims 1,8,15 do not appear to be novel in the sense of Article 33(2) PCT. Document D1, which represents the most relevant state of the art according to the search report, discloses(see in Claim 1 of D1): a device and method that realizes automatic failure noticing for ADSL wideband access and on-line management and maintenance for the user side of ADSL wideband access, based on a telephone dial-up communication mode, which makes it able to automatically notice the failure on the user side of ADSL wideband access as soon as the telephone line is normal and simultaneously makes the maintainer able to carry out convenient on-line management and maintenance on the user side of ADSL wideband access. Therefore D1 has disclosed all the essential features of claims 1, 8,15 and the subject-matter of claim 1 is not novel over D1. So claims 1,8,15 do not meet the criteria set out in PCT Article 33(2).

2. D2 discloses(see page 2 of D2): a software automatic-upgrading method of terminal device, where the terminal device cooperates with local end device to connect user terminal to the network and the method: using the terminal device to report current software version information, using terminal management unit to judge if the software of the terminal device needs to be upgraded. D3 discloses(see page 2-3 of D3) a method of mobile terminal capability acquisition for mobile communication network., in which the terminal reports the capability information to the management, and the management deal with the reported information. Therefore both D2 and D3 have disclosed all the essential features of claim 1, and the subject-matter of claim 1 is not novel over D2 or D3. So claim 1 does not meet the criteria set out in PCT Article 33(2).

3. The additional features of the dependent claims 2-7,9-14,16 are not disclosed by the Documents mentioned above, therefore claims 2-7,9-14,16 meet the criteria set out in PCT Article 33(2).

Inventive step

1. Claims 1,8,15 do not meet the criteria set out in PCT Article 33(3) because of being not novel over D1.

2. Dependent claims 2-7,9-14,16 meet the criteria set out in PCT Article 33(3), because the Documents mentioned above, or prior art, considered individually or in combination, does not teach or fairly suggest the claimed inventions in claims 2-7,9-14,16. Therefore claims 2-7,9-14,16 involve an inventive step.

Industrial applicability

Claims 1-16 comply with PCT article 33(4), having industrial applicability.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of : International Patent Classification (IPC) or both national classification and IPC

H04L 12/24 (2006.01)i

H04L 12/54 (2006.01)i